

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. MAGGIE CROTTY

CO-CHAIR:
REP. BRENT HASSETT

EXECUTIVE DIRECTOR:
VICKI THOMAS



700 STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
271/785-2254

SEN. J. BRADLEY BURZYNSKI
SEN. JAMES CLAYBORNE, JR.
SEN. RANDY HULTGREN
SEN. DAN RUTHERFORD
SEN. IRA SILVERSTEIN
REP. JOHN FRITCHEY
REP. LOU LANG
REP. DAVID R. LEITCH
REP. DAVID MILLER
REP. ROSEMARY MULLIGAN

MINUTES

July 15, 2008

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on July 15, 2008 at 10:30 a.m. in Room C-1 of the Stratton Building in Springfield IL.

Co-Chair Crotty announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

ATTENDANCE ROLL CALL

X Senator Bradley Burzynski	X Representative John Fritchey
X Senator James Clayborne, Jr.	X Representative Brent Hassert
X Senator Maggie Crotty	Representative Lou Lang
X Senator Randy Hultgren	X Representative David Leitch
Senator Dan Rutherford	X Representative David Miller
Senator Ira Silverstein	Representative Rosemary Mulligan

APPROVAL OF THE MINUTES OF THE PREVIOUS JCAR MEETING

Representative Leitch moved, seconded by Representative Hassert, to approve the minutes of the June 17, 2008 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

Department of Central Management Services – Local Government Health Plan (80 Ill. Adm. Code 2160; 32 Ill. Reg. 6820)

Senator Burzynski moved, seconded by Representative Miller, that JCAR and the Department of Central Management Services agree to extend the rulemaking to permit agency staff to be present at the meeting at which this rulemaking is considered. CMS made this request through a letter. The motion passed unanimously.

Department of Public Health – Child Health Examination Code (77 Ill. Adm. Code 665; 32 Ill. Reg. 8778) (Emergency)

Representative Fritchey moved, seconded by Senator Clayborne, that JCAR object to the Department of Public Health using emergency rulemaking to adopt the rulemaking because the only emergency that exists in this instance appears to be agency created. PA 95-422 changed the health examination dates effective 8/24/07. DPH waited more than 9 months to adopt emergency rules implementing that statute. The motion passed unanimously.

Department of Public Health – Child Health Examination Code (77 Ill. Adm. Code 665; 32 Ill. Reg. 9055) (Emergency)

Senator Hultgren moved, seconded by Representative Hassert, that JCAR object to the Department of Public Health using emergency rulemaking to adopt this rulemaking because the only emergency that exists in this instance appears to be agency created. The Public Act requiring the affected eye exams was effective 1/1/08, yet DPH waited over 6 months to adopt the emergency rule. The motion passed unanimously.

Co-Chair Crotty asked if any member desired to discuss any other proposed rulemaking. Representatives Fritchey, Miller and Hassert indicated that they wanted to address 2 rulemakings of the Illinois Commerce Commission and one of the Department of Financial and Professional Regulation-Division of Insurance.

Illinois Commerce Commission – Electric Interconnection of Distributed Generation Facilities (83 Ill. Adm. Code 466; 32 Ill. Reg. 6173)

Representative Fritchey moved, seconded by Representative Hassert, that JCAR recommend that ICC consider amending its rulemaking to require external electric distribution companies to track their use of disconnect switches and to provide results to the Commission on a monthly basis. The Commission was represented by Conrad Rubinkowski, Technical Advisor, who indicated the Commission's consent to the Extension. He stated the Commission is considering opening a new docket on this issue in the near future. The motion passed unanimously.

Illinois Commerce Commission – Safety Relocation Towing (92 Ill. Adm. Code 1715; 32 Ill. Reg. 1189)

Representative Miller moved, seconded by Senator Burzynski, that JCAR and ICC agree to extend the rulemaking for an additional 45 days. Steve Matrisch, Chief Counsel for the Transportation Division, indicated the Commission's assent. The motion passed unanimously.

Department of Financial and Professional Regulation – Corrective Orders (50 Ill. Adm. Code 1250; 32 Ill. Reg. 2633)

Representative Hassert moved, seconded by Senator Hultgren, that JCAR and DFPR agree to extend the rulemaking for an additional 45 days. The Committee was in receipt of a letter

indicating the Department's assent. The motion passed unanimously.

Co-Chair Crotty asked if any member desired to discuss any emergency, preemptory or other rulemaking. No member expressed such an interest.

CERTIFICATION OF NO OBJECTION

The Committee will inform the agencies to whose rulemakings the Committee did not vote an Objection, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued.

WITHDRAWAL OF SUSPENSION OF EMERGENCY RULE

State Board of Education – Special Education Facilities Under Section 1407.02 of the School Code (23 Ill. Adm. Code 401; 32 Ill. Reg. 4843) (Emergency)

Representative Fritchey moved, seconded by Senator Clayborne, that, based on SBE's response that it would repeal this emergency rule, JCAR withdraw the Suspension effective on the effective date of the State Board's repeal. The motion passed on a rollcall vote of 8-0-0.

AUGUST MEETING DATE

Co-Chair Crotty announced that the next monthly meeting is scheduled for Tuesday, August 19, 2008, 10:30 a.m., Room 16-503 of the James R. Thompson Center in Chicago IL.

ADJOURNMENT

Representative Leitch moved, seconded by Representative Hassert, that the meeting be adjourned. The motion passed unanimously and the meeting was adjourned.

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